

REMARKS

Claims 1-13 have been canceled. Claims 15, 17, and 21, and amended claims 14, 16, 18, 19, 20, and 22 are in this application.

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullor and Asai.

Independent claim 14, as presented herein, recites in part as follows:

"a recordable portion having user's access authorization data which includes information pertaining to a license involving said software program, and if payment of a fee to a holder of rights in the software program has been made information as to the payment of the fee and if payment of the fee to the holder of rights in the software program has not been made information as to the non-payment of the fee,

wherein said software program storage medium is one of a compact disc, a digital versatile disc, a magneto-optical disc or a semi-conductor memory type portable storage medium so that said software program and said user's access authorization data are stored on the portable storage medium."

Accordingly, in claim 14, a software program and user's access authorization data are stored on a storage medium. Such storage medium is one of a compact disc, a digital versatile disc, a magneto-optical disc, or a semi-conductor memory type portable storage medium. As such, the software program and the user's access authorization data are stored on the portable storage medium.

It is respectfully submitted that neither Mullo nor Asai as applied by the Examiner disclose the above identified features of claim 14. In support thereof, and with regard to

Mullor, the Examiner appears to acknowledge that Mullor does not teach "portable storage medium." (See Page 4 of the present Office Action.) With regard to Asai, the Examiner appears to rely on Figure 1 of Asai and, in particular, elements 14 and 16b thereof.

As best understood, the Examiner appears to assert that it would have been obvious to change the memory disclosed in Mullor to a portable memory because of Asai. It is respectfully submitted that Mullor teaches away from such revision and, as such, it would not have been obvious to make such change. More specifically, and as an example, in the Summary of the Invention section of Mullor, Mullor specifically states the following:

"The present invention relates to a method of restricting software operation within a license limitation. This method strongly relies on the use of a key and of a record, which have been written into the non-volatile memory of a computer." (Emphasis added.) (See lines 38-43 of column 1 of Mullor.)

Additionally, Mullor indicates an "important advantage in utilizing non-volatile memory such as that residing in the BIOS [module of a computer]." (See lines 4-17 of column 3 of Mullor.)

Accordingly, since Mullor "strongly relies" on using a "non-volatile memory of a computer" in his method and describes an advantage thereof, it is respectfully submitted that one of ordinary skill in the art would not have changed from using a non-volatile memory of a computer to a CD-ROM disk merely in view of Asai.

Therefore, it is respectfully requested that the above rejection of claim 14 be withdrawn. For reasons similar to those previously described with regard to claim 14, it is also

respectfully requested that the above rejection of independent claims 18 and 20 be withdrawn.

Claims 15-17, 19, and 21-22 are dependent from one of independent claims 14, 18, and 20. Accordingly, it is also respectfully requested that the above rejection of claims 15-17, 19, and 21-22 be withdrawn.

Further, in the present Office Action, the Examiner stated that with regard to claims 15-17, 19, and 21-22, the features of these claims "are well known in the art." However, the Examiner did not provide a reference which discloses such features. It is respectfully requested that the Examiner provide a reference which discloses such features.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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